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PTO/SB/33 (07-09)

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**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

944-001.090-1

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on February 23, 2010

Signature

Typed or printed name Cathy Sturmer

Application Number

10/659,774

Filed

September 10, 2003

First Named Inventor

Henry HAVERINEN

Art Unit

2153

Examiner

Thomas J. DAILEY

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 58,051☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Keith R. Obert

Typed or printed name

203-261-1234

Telephone number

February 23, 2010

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No. 944-001.090-1  
Serial No. 10/659,774

THE UNITED STATES PATENT AND TRADEMARK OFFICE

First named inventor: **Henry Haverinen**  
App. Serial No.: **10/659,774**  
Filed: **Sept. 10, 2003**  
Title: **METHOD AND APPARATUS ENABLING REAUTHENTICATION IN  
A CELLULAR COMMUNICATION SYSTEM**  
Group Art Unit: **2153**  
Examiner: **Thomas J. Dailey**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

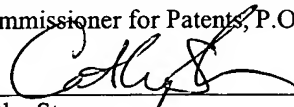
Sir:

In response to the final Office Action of January 5, 2010, please reconsider the rejections  
in view of the following remarks:

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**CERTIFICATE OF MAILING**

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\_\_\_\_\_  
Cathy Sturmer

Dated: 2/23/10

REMARKS

Claims 1, 4, 7, 10, 13-15, 20-21 and 24-29 were examined by the Office, and in the final Office Action of January 5, 2010 all claims are rejected. With this response no claims are amended. Applicant respectfully submits that the Office has committed clear error in rejecting the claims, because the Office has failed to show that the cited references disclose or suggest all of the limitations recited in the claims. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

This response is submitted along with a Notice of Appeal.

**Claim Rejections Under § 103**

In section 8, on page 5 of the Office Action, claims 1, 4, 7, 10, 13, 15, 20 and 24-29 are rejected under 35 U.S.C. § 103(a) as unpatentable over O'Neill (U.S. Appl. Publ. No. 2003/0176188) in view of Bhagwat et al. (U.S. Patent No. 6,651,105). Applicant respectfully submits that claim 1 is not disclosed or suggested by the cited references, because the cited references fail to disclose or suggest all of the limitations recited in claim 1. The cited references, alone or in combination, at least fail to disclose or suggest transmitting a reauthentication identity to a terminal in response to a request for full authentication, as recited in claim 1.

The Office acknowledges on page 6 of the Office Action, that O'Neill does not disclose the transmission to the terminal of the reauthentication identity is in response to a request for full authentication of the terminal, and relies upon Bhagwat for this teaching. However, applicant respectfully submits that O'Neill also does not disclose or suggest transmitting to a terminal a reuathentication identity. Instead, O'Neill only discloses that the mobile node may send an identity to the network, since message 550 is directed towards the Remote Home Agent 112 of the MN 202 in the home domain 1102, but it is first sent to the access router 128 as message 550a and it is then sent to the remote home agent 112 as message 550b. See O'Neill paragraph [0053]. The message 550 includes a network access identifier having a user part and a realm part, however the message 550 is sent towards the Remote Home Agent 112, and therefore is not transmitted to the terminal, as recited in claim 1. However, the Office asserts in section 4, on page 3 of the Office Action that O'Neill discloses transmitting to the terminal a reauthentication

identity, because it is essential that the realm name is transmitted to the mobile device. The Office appears to assert that it is inherent in the teachings of O'Neill that the terminal receives a reauthentication identity, as recited in claim 1. However, it is understood that the Network Access Identifier (NAI) is a way of identifying users who request access to a network, and a user may provide the NAI to the network when first accessing a network. The Office states on page 6 of the Office Action that O'Neill simply discloses the terminal has a reauthentication identity and is full authenticated, but is silent in regards to the order in which those steps occur. Applicant respectfully submits that O'Neill does not disclose or suggest that the terminal has a reauthentication identity transmitted to the terminal, as recited in claim 1.

Furthermore, Bhagwat fails to disclose or suggest transmitting to the terminal a reauthentication identity uniquely identifying an authentication server in response to the request for full authentication, as recited in claim 1. Bhagwat only discloses a "cookie," but the cookie does not uniquely identify an authentication server or a BS in Bhagwat. Instead, Bhagwat only discloses that AP2 817 uses the username to find out the BS 818, and initiates a tunnel establishment procedure towards the BS 818. The cookie does not correspond to the reauthentication identity in claim 1, because the cookie does not uniquely identify an authentication server, as required by the reauthentication identity of claim 1.

The Office responds in section 6, on page 4 of the Office Action by asserting that Bhagwat discloses transmitting a reauthentication identity to a terminal in response to an authentication request. However, applicant respectfully submits that Bhagwat does not disclose that the cookie is transmitted in response to an authentication request. Instead, Bhagwat states that the PPP protocol establishes a PPP connection in 3 phases, LCP phase, Authentication phase and NCP phase. During the LCP phase the MH 810 sends its partial authentication information so that the AP1 815 can find out the backend service. See Bhagwat column 12, lines 55-57. After completion of the LCP phase, the authentication procedure is started, in which the cookie is sent to MH 810. See Bhagwat column 13, lines 18-20. Therefore, Bhagwat does not specify that the cookie is sent in response to a request for full authentication, but merely that the cookie is sent sometime after the completion of the LCP phase, in which partial authentication information has already been sent. Accordingly, Bhagwat does not disclose or suggest that the cookie is in response to a full authentication request, but merely that it is part of the

authentication procedure. Therefore, for at least the reasons discussed above, claim 1 is not disclosed or suggested by the cited references.

Independent claims 4, 10, 13, 15, 20 and 27 are amended to include limitation similar to those recited in claim 1. Therefore, for at least the reasons discussed above with respect to claim 1, these independent claims are not disclosed or suggested by O'Neill.

The claims rejected above and depending from the above mentioned independent claims, are not disclosed or suggested by O'Neill at least in view of their dependencies.

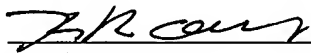
In section 15, on page 10 of the Office Action, claims 14 and 21 are rejected under 35 U.S.C. § 103(a) as unpatentable over O'Neill and Bhagwat in view of Barriga-Caceres et al. (U.S. Appl. Publ. No. 2003/0163733). Claims 14 and 21 ultimately depend from an independent claim, and Barriga-Caceres fails to make up for the deficiencies in the teachings of O'Neill and Bhagwat identified above. Therefore, claims 14 and 21 are not disclosed or suggested by the cited references at least in view of their dependencies.

#### Conclusion

For at least the foregoing reasons applicant respectfully submits that the present application is in condition for allowance, and such action is earnestly solicited. The Commissioner is hereby authorized to charge to Deposit Account No. 23-0442 any fee deficiency required to submit this paper.

Respectfully submitted,

Date: 23 February 2010

  
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